

Planning Commission Meeting for New Castle City took place on September 26, 2011 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: David Bird, Chair
William Simpson, Co-Chair
Joe DiAngelo
Jonathan Justice
Dorsey Fiske
Florence Smith
Dr. Jack Norsworthy*

Members Absent: Vera Worthy
Susan Marinelli

Also Present: Marian Hull, URS, City Planner
Jeff Bergstrom, City Inspector
Daniel Losco, Esq., City Solicitor

Mr. Bird called the meeting to order at 6:30 p.m. Roll call was taken. A quorum was declared.

*Dr. Norsworthy joined the meeting at 6:55 p.m.

Approval of Minutes – Ms. Fiske noted a correction to page 2. A motion was made, seconded, and approved to accept the minutes of the August meeting as corrected.

Update on Planning Studies – Ms. Hull reported on the DelDOT design for Route 9 with reduction of cut-through traffic in the City. A workshop was held in May and a meeting with City Council on 8/2/11. She and Dave Athey, City Engineer, have put together a draft memo outlining options. At a recent special City Council meeting we were given permission to go forward and pursue further staff discussions, DelDOT and WILMAPCO. *(Copies of the memo were provided to the Commission.)*

At the last City Council meeting they adopted an ordinance to amend the zoning ordinance that would implement what the Planning Commission recommended to them. Rather than discontinue non-conforming properties within three (3) years they need to either be discontinued or screened to a certain level within three (3) years. She will communicate with the City Administrator what the schedule will be for this. There was strong support for the zoning change and the way it was proposed to address the transformation of the non-conforming uses.

The Comprehensive Plan recommends a redevelopment ordinance for small residential developments and neighborhoods. It has been before City Council for the first and second hearings. Some administrative changes were made and the City Solicitor has prepared a draft. They should be ready to go to City Council in October. The changes provide clarification but do not change the intent that was recommended by this body.

Parking Study – Heather Dunigan of WILMAPCO (prepared a parking study for Chesapeake City, MD) distributed copies of a New Castle transportation plan prepared 10 years ago. She asked what else the Planning Commission would like to see done for a parking plan for the city. Update the plan that was distributed or do a more in depth plan (additional parking, update plan that was distributed, inventory of current parking, policy recommendations, parking meters). *(Ms. Dunigan referenced a parking study performed in Chesapeake City, MD that is available on the WILMAPCO.org website, Plans and Reports, Chesapeake City*

Parking Code.) Mr. Bird would like to see something more detailed than the plan distributed tonight. Cost is a factor. Pertinent information can be obtained from the City to assist WILMAPCO. *(Mr. Bird detailed what he would like to see provided.)* Mr. Simpson noted there is a piece of City-owned property located at 4th and Chestnut Streets that would be an excellent location for parking. The 100 cars at Fort Casimir will be difficult to sell.

Ms. Dunigan suggested developing a task force made up of staff, merchants and citizens who could work with her on the project. The suggestion was looked upon favorably and Mr. Bird will speak with the City Administrator about her suggestion. *(FOIA requirements for this group were discussed.)* Mr. Bird suggested three (3) members of the Planning Commission head up working on the parking study with WILMAPCO. Work sessions will be advertised for public input. She anticipates the whole process to take 9 months to a year.

Mr. Simpson made a motion that a sub-committee be formed of three (3) members of the Planning Commission to work with WILMAPCO on a parking study. Ms. Fiske seconded the motion. The motion was passed.

Proposed Riverfront Concept Plan – John Fellowes, Project Manager with Duffield Associates, presented preliminary evaluation and engineering feasibility on improving the City's waterfront. As part of the evaluation process they reviewed historic aerial photography, U.S.G.S. mappings, and the U.S. Army Corps of Engineers studies. They spoke with the captain of the Kalmar Nyckel who is very interested in bringing the ship to New Castle for tourism and educational events. He has communicated with Ms. Dunigan regarding traffic and its impact on developing the waterfront and how developing this area would affect the parking study. They are reaching out to the Delaware River and Bay Authority to see if they would modify their route with the Three Fort Ferry to add New Castle. He reported on regulatory permitting in detail. They will be attending a Joint Permit Process meeting on 10/20/11 with various regulatory agencies to review our concept and catch any permit problems in advance. They have developed an existing condition plan that identifies opportunities along the waterfront at Battery Park. *(Subsequent discussion followed about tides and potential location for docks, existing structure in water, and wave action.)*

Cost estimates need to be prepared. Mr. Fellowes proceeded to describe the plan using a diagram. The current pier would likely need to be rebuilt to accommodate the amount of pedestrian traffic and they propose it be moved further north and 150-200 ft. out from the pedestrian plaza at the end of Delaware Street. The pier would be fixed with finger docks for seasonal boaters and the rescue boat. The floating docks could be moved to a protected area in the off season. *(Discussion followed about tides and water depth to accommodate larger vessels.)* Parking is a great concern. There will be a parking charette on 10/17/11 at 7 p.m. in the New Castle Middle School auditorium. Input from the community and any other ideas are welcome. They would then present a plan to City Council on 11/8/11. This depends on the type of reaction received from the public at the parking charette. Mr. Bird requested the presentation be made to the Planning Commission between the charette and Council meeting. Mr. Simpson suggested utilizing as many photos as possible as a way of showing you are proposing change back to something that used to be rather than something that is new. Mr. Justice asked if there has been any change in the mud flats, extension or recession. It is

believed some silting may occur but the water moves quickly through the area keeping it cleaned out.

Mr. DiAngelo asked if there is any estimated cost for this work. Mr. Fellowes said between \$600,000-\$800,000 that includes the parking lot (\$150,000). They are looking at various sources of funding including grant opportunities. (*Discussion.*) Commissioners were encouraged to attend the charette.

Review and vote upon proposed Record Minor Subdivision Plan submission for 350 Anchor Mill Road, Parcel 21-005.00-051 and 1000 Ships Landing Way, Parcel 21-008.00-003. The purpose of this plan is to reconfigure the lots to allow construction of a 138,466 sq. ft. (approx.) warehouse addition in Twin Spans Business Park – Shawn Tucker, Esq. represents the applicant. The City is operating under a new code and they wanted to make sure the public and Planning Commission is involved in the process. The subdivision is recommended by the Planning Commission and voted on by City Council. This is an existing industrial park that proposes an expansion of parcel 7D with a 138,466 sq. ft. warehouse. It is a significant expansion. Part of the process includes adjusting the subdivision line. There is a storm water management pond in the area that is being modified to underground storm water management. The Conservation District for NCC has already approved design changes. No rezoning is required. Some traffic analysis may be required by DelDOT. We anticipate knowing this before going to City Council for the subdivision line change. Ms. Fiske asked if the storm water pond had been improved recently? Mr. Tucker said it has and the City was aware this expansion was coming. Funding is for multiple improvements.

Mr. Greg Swift, P.E., McBride and Ziegler, addressed Mr. Bird's inquiry about a traffic impact study. They don't expect much of an increase in traffic, no additional employees, just more warehouse space. The entrance to the industrial park is off Route 9 across from the police station. He explained to Commission members how the subdivision line is changing. Mr. Tucker said the wetlands delineation was done and they will not be disturbed. The proposal went through the PLUS process the end of August and comments were sent to the City. He and Ms. Hull have discussed some of those comments. Ms. Hull said there were comments about the transportation study that we have already addressed tonight. On page 8 they speak of recommendations. We are not requiring the applicant to make any changes beyond the traffic study.

Dr. Norsworthy made a motion to recommend to City Council to approve the plans as presented. Mr. Justice seconded the motion. The motion was approved.

Review and vote upon proposed land development plan submission for 350 Anchor Mill Road, Parcel 21-005.00-051 and 1000 Ships Landing Way, Parcel 21-008.00-003. The purpose of this plan is to reconfigure the lots to allow construction of a 138,466 sq. ft. (approx.) warehouse addition in Twin Spans Business Park -- No action is necessary. Ms. Hull said it is consistent with the zoning code (setbacks, number of parking space, etc.) and will be included in our recommendation to City Council.

Review and vote upon proposed land development on Parcel #10-024.00-097, 828 Frenchtown Road – Ms. Hull informed that this has been seen before for annexation and

rezoning. City Council then adopted it, but it was contingent on it being a church. It is a Brownfield and is adjacent to one of the city's main water sources. There is a resolution by City Council annexing the parcel and an ordinance changing its zoning to general commercial which allows a church in the development. Finally, a land development plan is in place making these conditional adoptions come into place. Our subdivision ordinance does not define land development. She recommends the Planning Commission give its opinion to City Council. This development could be regulated through the building permit process even though it will go through the PLUS process because of its size. It has some good opportunities for the City. Mr. Bird asked if this is something we should look at the way the approval process is done for subdivisions. Ms. Hull said this development does not appear to be regulated by our subdivision code, but it could be a problem in the future.

Mr. Simpson reminded that this body has already made three (3) suggestions that we should determine whether they have been implemented or not and write a comment letter to City Council. The ordinance for changing design there are three (3) conditions that are: Traffic (access off Rte. 273, alternate access off Rte. 273, applicant/developer agrees not to have a left out onto Rte. 273 [reflected in plans submitted for PLUS and received by the City], and has agreed to another alternative access through Quigley Blvd. or elsewhere. Utilities will close the electrical loop. Cleaning up the environmental issue is a key issue with the City. *(Brief discussion about subdivision and the development review process.)*

Mr. Tucker said there is no 'left out' permitted that will be part of the building permit, they were able to negotiate an access agreement and will come out on Quigley Blvd. That agreement is currently verbal, but will be executed and signed before the building permit phase. Environmental requirements all apply. There is a Brownfield agreement. Phase I – there is up to \$1 million available from the State. Phase II – Atlantic Richfield is obligation to do this work. This will be going to the State PLUS process on Wednesday, 9/28/11. The resolution and ordinance that was approved to the plan will be tied into the plan to avoid confusion. *(Additional discussion followed.)*

Mr. Bergstrom said a benefit to the City of having this project done is the primary source of drinking water is next door. The church, as a non-profit, is eligible for up to \$1 million for remediation work. The City wants to control this site primarily to protect that interest. *(Discussion about traffic flow in/out and acceleration/deceleration lanes followed.)*

Mr. Justice made a motion to direct the Chair to communicate with City Council that the Planning Commission found nothing unexpected in the development plan. Mr. Simpson seconded the motion. The motion was approved.

Budget Status – Mr. Bird has nothing to report. Discussion was generated. At a previous meeting Mr. Simpson agreed to be the point person for the Planning Commission's budget. Dr. Norsworthy is concerned with not knowing what the Planning Commission's budget is from month to month. Mr. Simpson will try to schedule a meeting with Ms. Thomas and attend the next Council meeting to address this matter.

Other Business – City Council has requested the City Solicitor to provide guidance on the state of the law for the Freedom of Information Act (FOIA). Solicitor Losco said he would

review FOIA requirements everyone should be aware of as well as review the state law that addresses Planning Commissions in general. It was decided to conduct this session at the end of the October meeting.

Mr. Simpson asked about the status of the 'form' providing a paper trail of action(s) taken on recommendations this body makes to City Council so we know they have received our recommendation, acted on the recommendation, and provided feedback to this body. Mr. Bird will work on this.

Commissioner's Comments – None.

Comments from the Public --None.

Next Meeting – The next scheduled meeting is 10/24/11 at 6:30 p.m.

Adjournment – **A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8:20 p.m.**

Respectfully submitted,

Debbie Turner

Debbie Turner
Stenographer